

Delaware is a small State, but we are building a growing record of achievement in public school education. State-wide, scores have again increased in all grades and across the board in reading and math, as we begin to close the achievement gap.

Much of what we have accomplished in Delaware, and at the Cab Calloway School of the Arts, serves as a model for our Nation.

I thank the staff and students of the school, both past and present, for their efforts to create a more meaningful experience for our students, and I wish Cab Calloway School of the Arts a very happy 10th anniversary.

I rise today to offer my full support to future generations of students and educators at Cab Calloway School of the Arts and congratulate this extraordinary school on a remarkable decade of success.●

HONORING NATHANIEL BANKSTON UPON HIS RETIREMENT

● Mr. DASCHLE. Mr. President, today I want to share with my colleagues the dedication and public service rendered by Nathaniel Bankston, Registrar of Voters in East Baton Rouge Parish. He is retiring from public service today, and as he enters a new phase in his life, I look back and remember his accomplishments.

Mr. Bankston has served as the Registrar of Voters of East Baton Rouge Parish since 1969. His dedication to "getting the job done" causes him to reach out to both all parties, regardless of affiliation. He is a respected member of the community, having served as president of the Louisiana Registrars of Voters Associations, member on the Board of Trustees of the Louisiana Registrars of Voters Retirement System, and president of the East Baton Rouge Parish Board of Election Supervisors. He is a lifelong resident of Louisiana, having graduated from southeastern Louisiana University in Hammond, LA, in 1972.

He has spent his entire life striving to make Louisiana a better place, and it is with a heavy heart that I see him retire. Mr. Bankston is an upstanding citizen and it is my hope that his future holds all that he desires.●

HONORING THE LIFE OF ARNI COHEN

● Mr. BAYH. Mr. President, I rise to pay tribute to a fellow Hoosier, whose life embodied American ideals of entrepreneurship, community, and service.

In Indiana, we mourn Arni Cohen's death. Mr. Cohen began a pizza business by purchasing his first Arni's restaurant in 1965. Through a mixture of expansions and franchising, Mr. Cohen embodied the principle of free enterprise by populating 13 different cities in Indiana with nearly two dozen of his restaurants. Mr. Cohen's undying love for his community and baseball prompted him to create a softball

league for the community of West Lafayette, where he played with and managed the team. Always a community-minded individual, Arni Cohen also offered his restaurants to upstart musicians and comedians, allowing them to pave their way into show business. Mr. Cohen's years in the Army and his years as a city council member illustrate his commitment to serving his country and community.

Family and friends remember Arni Cohen as a charitable person, always smiling, and eager to offer a kind word to everyone. Mr. Cohen loved his community, honorably serving it for 37 years. His dedication and kindness to his community are a credit to his family and to the State of Indiana.

It is my privilege to pay tribute to Arni Cohen for his commitment and service by honoring him in the official record of the Senate. I send my heartfelt condolences to his family, friends, and the community of West Lafayette.

When I reflect upon the lives of men such as Arni Cohen, who dedicated his life to serving others, I am reminded of the principles of public service.●

RETIREMENT OF RON KING

● Mr. CRAPO. Mr. President, I rise today to acknowledge the upcoming retirement of Ron King, Director of Communications at the Department of Energy's Idaho Operations Office. The DOE Idaho Operations Office oversees management of the Idaho National Engineering and Environmental Laboratory, INEEL, and for almost 10 years Ron has served, with distinction, as the director of communications.

Ron's service to his country began with a career in United States Navy, which included various intelligence and administrative positions. After retiring from the U.S. Navy in 1979, Ron continued to work with the Navy as a Government and contractor employee. Ron's public service culminated with his service to the Department of Energy with posting in Montana and Idaho.

As Director of Communications, Ron served as the interface between the DOE and various stakeholders such as State of Idaho officials, the Idaho congressional delegation, tribal governments, community groups, academic institutions and media outlets. In each of these groups, Ron is well-known and respected and the DOE has benefited from Ron's representation.

Public service involves personal sacrifice, commitment to duty and hard work. Ron King exemplified these values during his service in the Idaho Operations Office. Ron will leave big shoes to be filled and his service will not be forgotten.

I want to wish Ron and his wife Cindy all of the best as Ron leaves Government service.●

EFFECTIVE DATE PROVISION OF INVOLUNTARY BANKRUPTCY CLARIFICATION

● Mr. BAUCUS. Mr. President, we are all aware that last Thursday the House failed to pass the conference report on H.R. 333, the bankruptcy reform measure. Further, failing to pass H.R. 333, the version of bankruptcy reform that the House did pass last Friday was not taken up for Senate consideration this past week for several reasons. However there are much needed reforms in the bankruptcy bill and one in particular that I would like to discuss today.

It is my understanding that the final bill passed by the House did contain a number of technical corrections that were agreed to on a bipartisan, bicameral basis after inadvertent drafting errors were discovered following the conclusion of the work of the conference committee on H.R. 333. One such error involved the effective date provision of section 1234. Section 1234 was not a new provision of law but a reiteration of current law. This section made clear that a claim that is in bona fide dispute over the existence of liability, or the amount of that liability, cannot be used as the basis for bringing an involuntary bankruptcy action. This clarification is consistent with the 1984 legislative history of this portion of Section 303 of the Bankruptcy Code. It also tracks the decisions of all five Courts of Appeal that have ruled on the bona fide dispute bar to the bringing of involuntary bankruptcy actions.

Section 1234 restated and strengthened congressional intent that an involuntary bankruptcy action should not be employed by litigants seeking to gain more leverage than they would have if they disputed contract performance in the proper judicial forum. The respondent in a bona fide dispute over liability for a claim or the amount thereof should not be disadvantaged by the stigma and expense of an involuntary bankruptcy proceeding, nor should our overcrowded bankruptcy courts be burdened with such disputes. In as much as section 1234 restated existing law, it was given immediate effect upon enactment—but, due to a drafting error, it would not have applied to cases now pending before the bankruptcy courts. This mistake would have had a particularly perverse effect in the five Federal circuits that have correctly ruled that bona fide dispute standard applies to both liability and the amount thereof; no circuit court has reached a contrary conclusion.

As soon as the conferees became aware of this mistake, they worked to fashion a correction contained in a concurrent resolution to be adopted simultaneously with the conference report. That and other enrolling changes were incorporated in the bankruptcy bill passed by the House last Friday. The involuntary bankruptcy provision was contained in section 1233 of that measure, which stated that "This section and the amendments made by this